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# Galbreath Raps Court Refusal For Ray Trial

NASHVILLE (UPI) — Judge Charles Galbreath plunged deeper into judicial hot water Monday, criticizing the state Supreme Court for refusing to grant a new trial to James Earl Ray for the assassination of Dr. Martin Luther King.

Shortly before appearing before a legislative committee conducting ouster proceedings against him, Galbreath said it was "unthinkable" for the Supreme Court to refuse to grant Ray a new trial.

"Sure he should get a new trial," said Galbreath, a judge on the state Court of Criminal Appeals. "If he put a quarter in the slot machine and hit the jackpot, he'd get the jackpot, wouldn't he? And to me this is the same sort of thing."

Galbreath referred to a state law which he said should have automatically granted Ray a new trial because the trial judge in the case died in office.

Ray is serving a 99-year sentence at Brushy Mountain State Prison. Criminal Court Judge J. Preston Battle imposed the sentence on March 10, 1969, after Ray pleaded guilty to the King assassination.

Ray subsequently recanted his guilty plea. He maintained that defense attorney Percy Foreman coerced him into entering the plea and asked Battle to grant him a new trial.

But Battle died of a heart attack before ruling on the new trial motion, and Galbreath said Battle's death insured Ray of a new trial regardless of the merits of Ray's motion.

Galbreath cited a section of state law which reads in part:

"Whenever a vacancy in the office of trial judge shall exist by reason of the death of the incumbent thereof, or permanent insanity, evidenced by ajudication, after verdict but prior to the hearing of the motion for a new trial, a new trial shall be granted the losing party . . ."

Ray's lawyers previously cited the law but were denied a new trial by both the Supreme Court and the state Court of Criminal Appeals.

"It is unthinkable for a Supreme Court not to notice a point raised on appeal," Galbreath said. "The Supreme Court, in my opinion, did not address the issue because it could not without granting Ray a new trial."

Galbreath also said there was no justification for the state Court of Criminal Appeals to refuse Ray a new trial.

"If we're just talking about what he deserves," Galbreath said, "I believe he should be boiled in oil. But regardless of how despicable he is, he ought to be treated like everybody else."